IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 4325 OF 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge ?

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GENERAL SECRETARY,
VADODARA KAMDAR UNION - Petitioner(s)
Versus
MANAGING DIRECTOR,
GOKAK VADODARA SPINNING MILLS - Respondent(s)

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Appearance :
Shri R.D. Raval for Petitioner(s).
Shri Nirav Joshi for M/s. Nanavati Associates for Respondent(s).

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 22/06/2007

ORAL JUDGMENT

It appears that the learned Labour Court, on a concession

made by the respondent-Company, made the order for payment of money in favour of the petitioner, but, also allowed 12% interest per annum on the said amount. In the appeal filed by the Company, the Industrial Court No.3, Vadodara in Appeal (IC) No.4 of 1999, after examining the pros and cons of the submissions made by the parties, came to the conclusion that in view of the concession made by the respondent-Company, the learned Labour Court was not entitled to award interest in favour of the present petitioner. While granting the appeal, it, however, maintained the order of the learned Labour Court directing the respondent-Company to pay a sum of Rs.2,000/- towards costs to the trade union. Being aggrieved by the said order dated 16th December, 1999 passed by the Appellate Court, the trade union is before this Court.

2. After hearing the learned Counsel for the parties and on going through the impugned order, I must immediately hold that the learned Appellate Court was not wrong in exercising its discretion in favour of the present respondent. Even otherwise the Appellate Court had jurisdiction to interfere with the discretion exercised by the learned Labour Court, but, this Court under Article 227 of the Constitution of India would not interfere in a matter where the discretion has been exercised in accordance with law.

3. I find no reason to interfere. The petition deserves to and is, accordingly, dismissed. Rule is discharged. No costs.

[R.S.Garg, J.]

*kamlesh**